

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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JAMES CARO,

Plaintiff,

-v.-

DANIEL STEWART, Commissioner of
Department of Corrections, et al.,

Defendants.

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FRANK MAAS, United States Magistrate Judge.

USDC SDNY DOCUMENT ELECTRONICALLY FILED DOC #: DATE FILED: <u>11/2/10</u>
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**REPORT AND
RECOMMENDATION
TO THE HONORABLE
PAUL A. CROTTY**

09 Civ. 10313 (PAC)(FM)

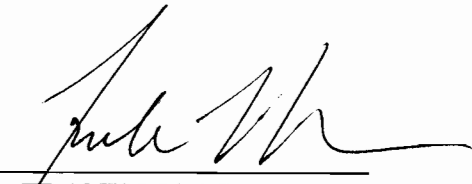
In this action, pro se plaintiff complains that he was strip searched at the Rikers Island Correctional Facility. The complaint was filed on December 21, 2009. On January 27, 2010, a memorandum was issued by the Pro Se office stating that the summons mailing package was sent to the plaintiff. Because the plaintiff failed to return the necessary documentation to the Marshal's Service, I issued an order on August 25, 2010, which directed the Pro Se Office to issue a supplemental summons, and required the plaintiff to have the supplemental summons and complaint served on the defendants by October 27, 2010. The order was sent to the plaintiff by certified mail, and the Court received a return receipt on August 31, 2010, indicating a successful delivery.

The Marshal's Service indicates that to date, the plaintiff has not returned the documentation necessary to effect service of the summons and complaint. As the plaintiff has been uncommunicative with the Court, and has not followed the procedures to move this action forward, I recommend that this case be dismissed without prejudice.

Notice of Procedure for Filing of Objections to this Report and Recommendation

The plaintiff shall have fourteen days from the service of this Report and Recommendation to file written objections pursuant to 28 U.S.C. § 636(b)(1) and Rule 72(b) of the Federal Rules of Civil Procedure. See also Fed. R. Civ. P. 6(a) and (e). Any such objections shall be filed with the Clerk of the Court, with extra copies delivered to the chambers of the Honorable Paul A. Crotty, at the United States Courthouse, 500 Pearl Street, New York, New York 10007, and to the chambers of the undersigned, at the United States Courthouse, 500 Pearl Street, New York, New York 10007. Any requests for an extension of time for filing objections must be directed to Judge Crotty. The failure to file timely objections will result in a waiver of those objections for purposes of appeal. See Thomas v. Arn, 474 U.S. 140 (1985); Fed. R. Civ. P. 6(a), 6(e), 72(b).

DATED: November 1, 2010
New York, New York



FRANK MAAS
United States Magistrate Judge

Copies to:

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